

## **Remarks**

### **1. Summary of the Final Office Action**

In the Final Office Action mailed January 6, 2009, the Examiner rejected claims 1-3, 5, 7-10, 14-16, 18-20, 35-37, 58, 60-65, and 69-75 under 35 U.S.C § 102(e) as allegedly being anticipated by U.S. Patent Application Pub. No. 2001/0046366 (Susskind). The Examiner also rejected claim 6 under 35 U.S.C § 103(a) as allegedly being unpatentable over Susskind in view of U.S. Patent No. 7,124,356 (Alsafadi), and rejected claims 11-13, and 66-68 under 35 U.S.C § 103(a) as allegedly being unpatentable over Susskind in view of U.S. Patent Application Pub. No. 2007/0240181 (Eldering).

### **2. Summary of Telephone Interview with the Examiner**

On February 24, 2009, Applicants' undersigned representative held a telephone interview with the Examiner to discuss possible claim amendments that might lead to allowable subject matter. During the interview, the Susskind reference was discussed in connection with claim 1. Applicants' representative suggested possible claim language that might distinguish over Susskind. The Examiner indicated that the suggestions appeared to conceptually distinguish over Susskind, but reserved judgment with respect to possible allowability of Applicants' claims until having an opportunity to evaluate specific claim language in a filed response. Applicants' present response includes claim amendments made in accordance with the suggestions discussed during the telephone interview.

### **3. Status of the Claims**

Presently pending are claims 1-3, 5-16, 18-20, 35-37, 58, and 60-75, of which claims 1, 35, 58, and 60 are independent, and the remainder are dependent. Applicants note that in both the previous Final Office Action (mailed September 30, 2008) and the present Final Office

Action, the Examiner correctly listed the pending claims as “1-3, 5-16, 18-20, 35-37, 58, and 60-75” on the “Office Action Summary” sheet (page 1), but incorrectly listed the rejected claims as “1-3, 5-16, 18-20, 35-57, 58, 60-65, and 69-75” on the first page of the “Detailed Action” (page 2). The sub-listing of “35-57” is evidently a typographical error in both Final Office Actions, and one that Applicants then inadvertently duplicated in one or more portions of their previously-filed Request for Continued Examination (RCE, filed December 29, 2008). Additionally, Applicants inadvertently introduced in their previous RCE a separate typographical error in the listing of pending claims. The correct listing of pending claims as of the present response is 1-3, 5-16, 18-20, 35-37, 58, and 60-75.

Applicants have amended each of claims 1, 35, 58, and 60 to recite, in one way or another, that the API concurrently connects each of the plurality of web portals with the at least one database, and that the API fits retrieved data to a format associated with each of the plurality of web portals. Applicants also amended these claims to specify that the actions of each claim limitation are carried out by a server. Thus, the actions are localized within a specific element, namely the server. Other amendments to these claims introduce clarifying language. Support for this amendment can be found generally throughout the original specification at specifically at least in Fig. 2 and at page 20, paragraph [0095], in which the actions recited in claim 1 are identified with the “middle tier server” of the exemplary embodiment.

No new matter has been added by way of any of the above amendments.

#### **4. Response to Rejections under 35 U.S.C. § 102(e)**

The Examiner rejected claims 1-3, 5, 7-10, 14-16, 18-20, 35-37, 58, 60-65, and 69-75 under 35 U.S.C § 102(e) as allegedly being anticipated by Susskind. Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either

expressly or inherently described, in a single prior art reference. Applicants submit that Susskind fails to teach each and every element set forth in any of claims 1-3, 5-16, 18-20, 35-37, 58, 60-65, or 69-75. Applicants first direct their discussion to claim 1, and then subsequently address claims 2-3, 5-16, 18-20, 35-37, 58, 60-65, and 69-75.

**Susskind does not teach or suggest “implementing in the server an Application Program Interface (API) that concurrently connects each of the plurality of web portals with at least one database concerning the media-based device, and that fits data retrieved from the at least one database to a format associated with the each of the plurality of web portals.”**

As Applicants summarized in their previously-filed RCE, Susskind discloses a system for controlling operation of a remotely located video recording device includes at least one Video Recording Device connected to the Internet; at least one Internet access device connected to the Internet; and at least one Internet Remote Control Server connected to the Internet, whereby the Internet access device can control the Video Recording Device. In particular, Susskind teaches (paragraph [0035]) that the Internet access device communicates with an “Internet Web Site Host” that provides HTML pages that simulate the Video Recording Device. Susskind further teaches (paragraph [0036]) that the Internet Remote Control Server provides information to the Internet Web Site Host.

To the extent that the Internet Remote Control Server disclosed in connection with Figure 2 and as described in paragraph [0035] of Susskind could be considered as functionally analogous to the server recited in claim 1, Susskind does not teach that Internet Remote Control Server connects to a plurality of web portals, but rather to only one Internet Web Site Host. In order for a user at an Internet Web Access Device disclosed in Susskind to connect to more than one Internet Remote Control Server, the Internet Web Access Device would need to connect to each Internet Remote Control Server through a different Internet Web Site Host. Thus, Susskind discloses a one-to-one relationship between the Internet Remote Control Server and the Internet

Web Site Host.

In contrast, claim 1 expressly recites that the API in the server “concurrently connects each of the plurality of web portals with at least one database concerning the media-based device.” Since the API is also recited as being implemented in the server, this limitation of claim 1 describes a one-to-many connection between the server and the plurality of web portals. Applicants submit that for at least this reason, claim 1 distinguishes over Susskind, and is therefore allowable.

Each of independent claims 35, 58, and 60 include, *inter alia*, elements similar to the limitation of claim 1 discussed in the preceding paragraphs herein. Applicants submit therefore that claims 35, 58, and 60 similarly distinguish over Susskind, and are allowable as well.

Each of claims 2-3, 5, 7-10, 14-16, 18-20, 36-37, 60-65, and 69-75 depend, in one way or another, from one of claims 1, 35, or 60, all of which are allowable for at least the reasons discussed above. Applicants submit that for at least the reason that they depend from an allowable claim, claims 2-3, 5, 7-10, 14-16, 18-20, 36-37, 60-65, and 69-75 are allowable as well. Further, Applicants do not concede any of the Examiner’s specific assertions with respect to claim 2-3, 5, 7-10, 14-16, 18-20, 36-37, 60-65, and 69-75.

#### **5. Response to Rejections under 35 U.S.C. § 103(a)**

Each of claims 6, 11-13, and 66-68 depends, in one way or another, from one independent claim 1 or 60, both of which are allowable for at least the reasons discussed above. Applicants submit that for at least the reason that they depend from an allowable claim, claims 6, 11-13, and 66-68 are allowable as well. Further, Applicants do not concede any of the Examiner’s specific assertions with respect to claim 6, 11-13, and 66-68.

## 6. Conclusion

Applicants submit that the application is in good and proper form for allowance and therefore respectfully request favorable reconsideration. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned at 312-913-3353.

Respectfully submitted,

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Date: February 27, 2009

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